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MAR 12 2004

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Sterne, Kessler, Goldstein & Fox P.L.L.C.  
1100 New York Avenue, N.W.  
Suite 600  
Washington DC 20005-3934

Paper No. 10

In re Application of :  
Dominik M. Wiktor : DECISION ON  
Serial No. : 09/721,107 : PETITION  
Filed : November 22, 2000 : UNDER 37 CFR 1.59  
For : Intravascular Stent :  
:

This is a decision on the petition under 37 CFR 1.59(b), filed May 10, 2002, to expunge information from the above identified application.

~~K~~ Petitioner requests that a response and petition of extension of time under 37 CFR 1.136(a) signed by Bruce Collins received April 15, 2002 with a certificate of mailing dated April 3, 2002 (hereinafter "the unauthorized response"), be expunged from the record and returned to petitioner. Petitioner states that applicant's former representative inadvertently filed the unauthorized response in response to the Office action mailed October 3, 2001 despite knowing of a transfer of representation of the above-referenced application to petitioner. The response was made without applicant's knowledge. Petitioner states that the filing of the unauthorized response was unintentional and without the consent of applicant. Petitioner also states that the failure to obtain its return would cause irreparable harm to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(h) has been paid.

The petition is **granted**. Applicant is required to retain the expunged material(s) for the life of any patent which issues on the above-identified application. The expunged material is returned herewith.

As a response to the Office action mailed October 3, 2001 was filed by applicant's current representative and received April 3, 2002, upon the mailing of this decision, the application will be forwarded to the examiner for consideration of the response received April 3, 2002.

Summary: Petition to expunge unintentionally submitted material **granted**.

John E. Kittle, Director  
Technology Center 3700  
Phone: (703) 308-0873

ak/3/8/04

Enclosure: Response and petition of extension of time filed April 15, 2002 and signed by Bruce Collins.